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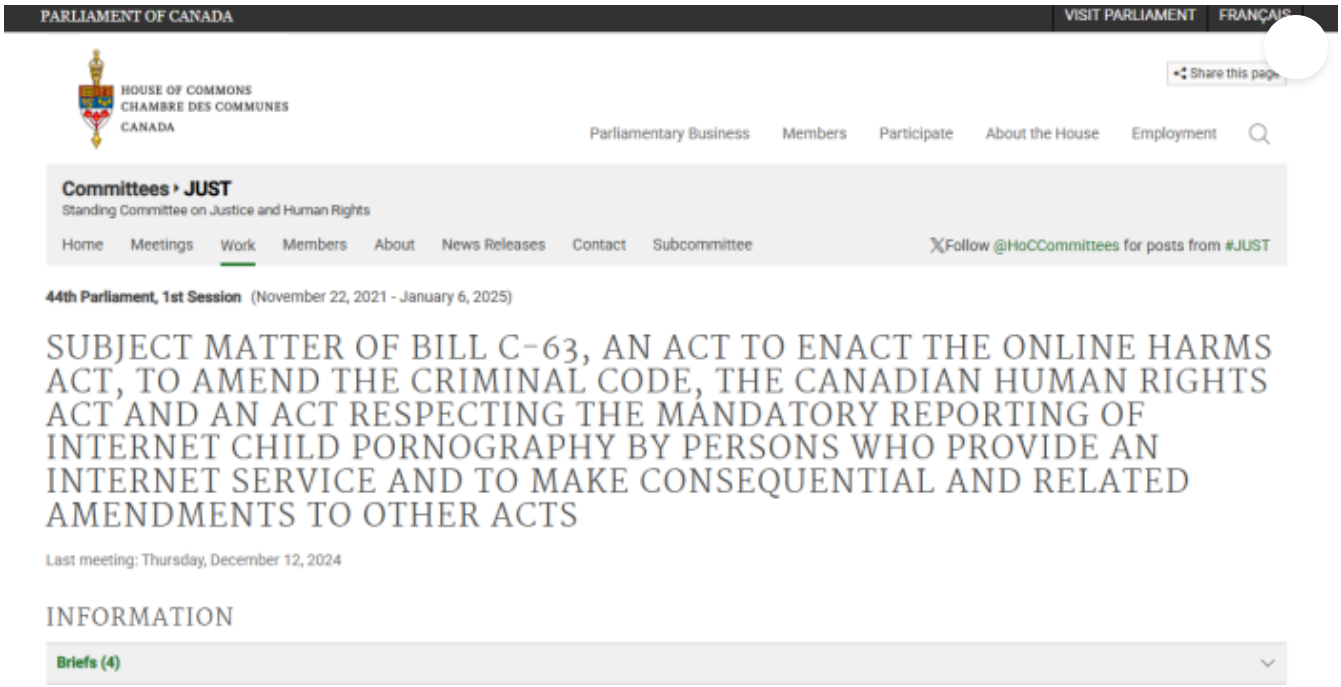
MAY 5, 2025 BY RONNIE

Bill C-63 (Online Harms Act) Revisited: A More Nuanced View On It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44th Parliament, 1st Session (November 22, 2021 - January 6, 2025)
SUBJECT MATTER OF BILL C-63, AN ACT TO ENACT THE ONLINE HARMS ACT, TO AMEND THE CRIMINAL CODE, THE CANADIAN HUMAN RIGHTS ACT AND AN ACT RESPECTING THE MANDATORY REPORTING OF INTERNET CHILD PORNOGRAPHY BY PERSONS WHO PROVIDE AN INTERNET SERVICE AND TO MAKE CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ACTS
Last meeting: Thursday, December 12, 2024
INFORMATION
Briefs (4)

Last year, this site covered Bill C-63, the Online Harms Act. Critics denounced it immediately as a draconian attack on free speech and free expression. There are certainly reasons to be concerned.

******Now, before someone starts posting in the comments that it died with when Parliament was dissolved, I know. But the point is, a similar version can always be brought back. Considering that hearings already taken place, it's worth looking at what happened.***

Bill C-63 was eventually split into 2 different sections: (a) child exploitation and abuse; and (b) the more “free speech” elements of it. Who knows what will happen in the next iteration.

In December 2024, the House of Commons held their hearings on the legislation. A total of 22 different witnesses testified, with a range of different ideas.

Despite all of the warning signs surrounding Bill C-63, there are some provisions that most people can actually get on board with. As always, readers are encouraged to check for themselves.

Filed Submissions From Humane Canada

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THE FEDERATION OF SPCAs AND HUMANE SOCIETIES
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Explicitly Including Animal Sexual Abuse Images and Videos, as well as Material that Depicts Harming or Killing an Animal in Bill C- 63

Humane Canada applauds Justice Minister Virani’s move to prioritize protecting children from online sexual predation and exploitation. As Canada’s voice for animal welfare and Lead Agency/Founder of the Canadian Violence Link Coalition (CVLC) which recognizes the link between violence against people and animal abuse, we acknowledge that while this bill is a start, missing from it are victims that are increasingly harmed or killed in the creation of such content: **animals.**

Animal sexual abuse (bestiality) is illegal under section 160 of the Criminal Code, which recognizes that child sexual assault and animal sexual assault are linked crimes, ***however there is no legislation that prohibits possessing or sharing online content that features animal sexual abuse***. Closing this “bestiality loophole” would fulfill the initial promises of Bill C-84 in 2019 to ***strengthen protections for children, other vulnerable individuals, and animals***. Animals are often used as part of the child sexual abuse grooming process. A 2018 report by the Canadian Centre for Child Protection analyzing case law found that 82% of bestiality cases in Canada have involved the sexual abuse of a child.

Considering the upward trend in police-reported child sexual exploitation where most offences include a cyber component, with 79% of incidents of child pornography and 20% of sexual violations against children recorded as cybercrimes by police, ***we urge the government to explicitly include animal sexual abuse images and videos, as well as material that depicts harming or killing an animal***, in their definition of content that sexually victimizes a child or revictimizes a survivor and harmful content.

Proposed Amendments

Include the explicit mention of animal sexual abuse images and content under the definition of 'content that sexually victimizes a child or revictimizes a survivor' and animal harms under the definition of 'harmful content', using similar wording to the United Kingdom's recently passed Online Safety Act:

In their filings, Humane Canada asked that Bill C-63 be amended to include content aimed at harming animals. This would be worded in a similar way to laws prohibited such content involving children.

Filed Submissions From International Justice Mission

IJM

To the Standing Committee on Justice and Human Rights,

We are pleased that Bill C-63 has moved to pre-study in Committee, *An Act to enact the Online Harms Act, to amend the Criminal Code, the Canadian Human Rights Act and An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service and to make consequential and related amendments to other Acts.*

We agree with and uphold MP Virani's decision to split the Bill, prioritizing Section 1 and 4 to address online child sexual exploitation and abuse. ***Bill C-63 is a critical and long-awaited piece of legislation that will help ensure children, both in Canada and abroad, are protected offline and online***, and that penalties for in-person and online offenders of child sexual abuse and exploitation are aligned.

> IJM commends the Honourable Arif Virani, Minister of Justice, for the years of detailed policy work and public consultation to create this bill. The Online Harms Act has the potential to ***strengthen the responsibility of technology companies to prevent child sexual abuse (CSA) and exploitation from happening on their platforms and to prevent the spread of child sexual exploitation material (CSEM) online***. If passed, Bill C-63 will position Canada as one of the leading countries in preventing online sexual exploitation of children, alongside its Five Eyes peers, Australia and the United Kingdom.

International Justice Mission included several recommendations for Bill C-63.

1. Ensure livestreaming child sexual abuse is specifically included in the legislation.
2. Take a preventive and safety by design approach.
3. Take into account victim and survivor voice when developing regulations.
4. Include offender deterrence in addition to protecting Canadian children.
5. Include private messaging and video-chat platforms and features.

There's nothing in their filing that's objectionable. People can agree that content that abuses children should be removed from the internet.

The testimony from the witnesses (over 3 days) is freely available.

The Canadian Centre for Child Protection Inc met with MP Mona Fortier in early 2025 to discuss:

"…access to justice, criminal justice, and social policy issues related to online child sexual abuse and online violence against children and possible legislative or policy initiatives that could reduce victimization and/or improve victim recovery."

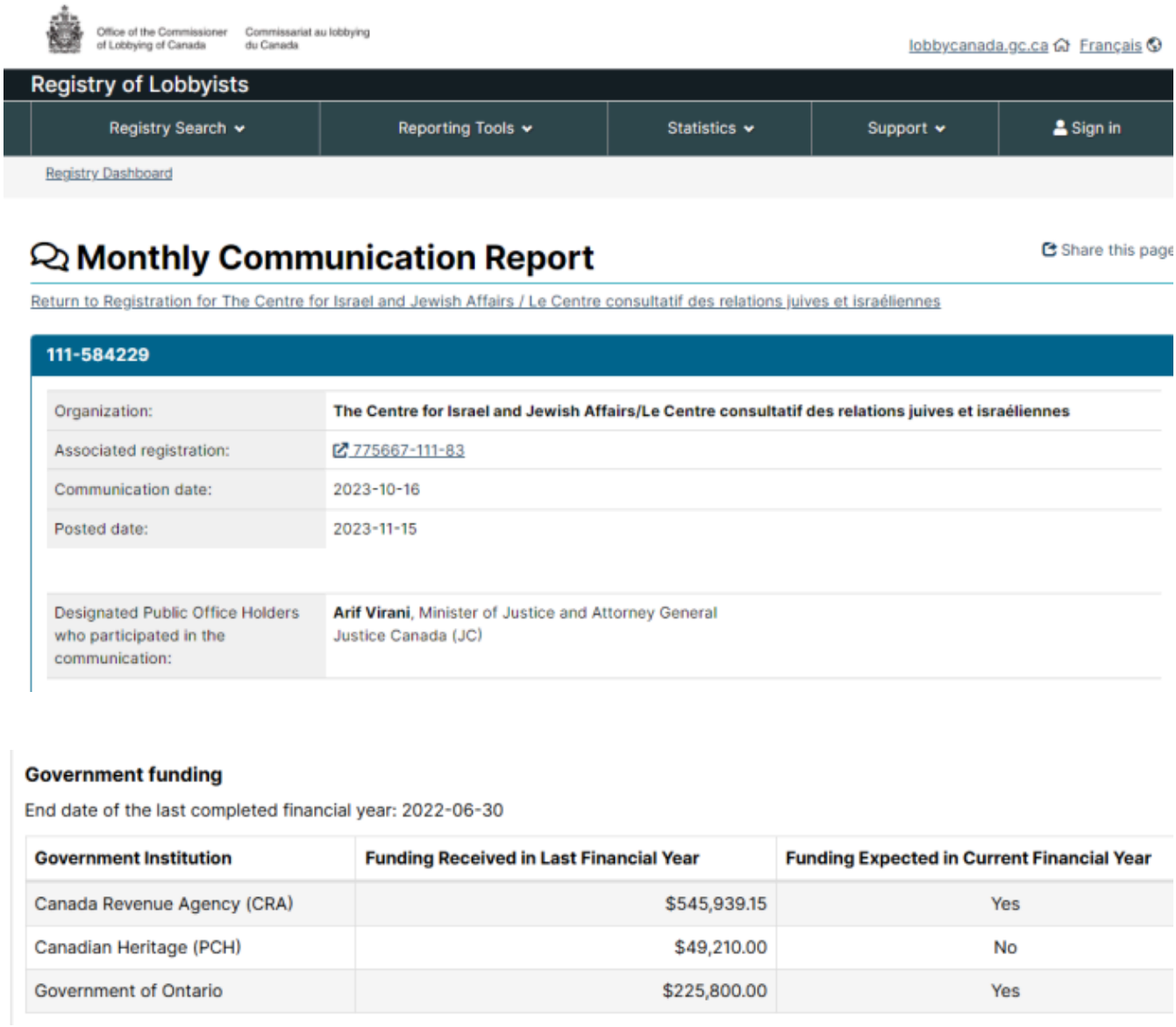
The group also met with Michelle Rempel-Garner and Craig Oldham.

Foreign Groups At The Heart Of Censorship Laws

While there were commendable aspects to Bill C-63, or at least the first parts, the latter ones raise real questions about the stifling of free speech. Interestingly, the most powerful groups behind it aren't actually Canadian. They represent foreign lobbies.

Part of the problem is that terms are so poorly defined — and probably on purpose — that they can be selectively applied, depending on the politics involved. This is not good at all.

1. Centre For Israel And Jewish Affairs (CIJA)



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Return to Registration for The Centre for Israel and Jewish Affairs / Le Centre consultatif des relations juives et israéliennes

111-584229

Organization:	**The Centre for Israel and Jewish Affairs/Le Centre consultatif des relations juives et israéliennes**
Associated registration:	775667-111-83
Communication date:	2023-10-16
Posted date:	2023-11-15
Designated Public Office Holders who participated in the communication:	**Arif Virani**, Minister of Justice and Attorney General Justice Canada (JC)

Government funding

End date of the last completed financial year: 2022-06-30

Government Institution	Funding Received in Last Financial Year	Funding Expected in Current Financial Year
Canada Revenue Agency (CRA)	$545,939.15	Yes
Canadian Heritage (PCH)	$49,210.00	No
Government of Ontario	$225,800.00	Yes

CIJA, the Centre for Israel and Jewish Affairs, has lobbied the Canadian Parliament over 2,000 times since the year 2000. They've been pushing for censorship and a variety of hate speech laws (antisemitism) the entire time.

CIJA also arranges for Canadian politicians to go abroad for free trips to Israel each year. This is similar to how AIPAC functions in the United States. This is not limited to Liberals or Conservatives, but seems to involve all parties.

The group also gets funding from the “conservative” administration in Ontario.

2. B’Nai Brith National Organization Of Canada

B'nai Brith National Organization of Canada / Organisation nationale de B'nai Brith Canada

Type: **In-house Organization**
Responsible officer: **Judith Foldes**, Chief Operating Officer
Registration: **5 of 5 (2025-01-28 to present)**
Posted: **2025-01-28**

Subject matter details:	30
Government institutions:	28
Communication techniques:	3
Government funding:	Yes
Employees who lobby:	3

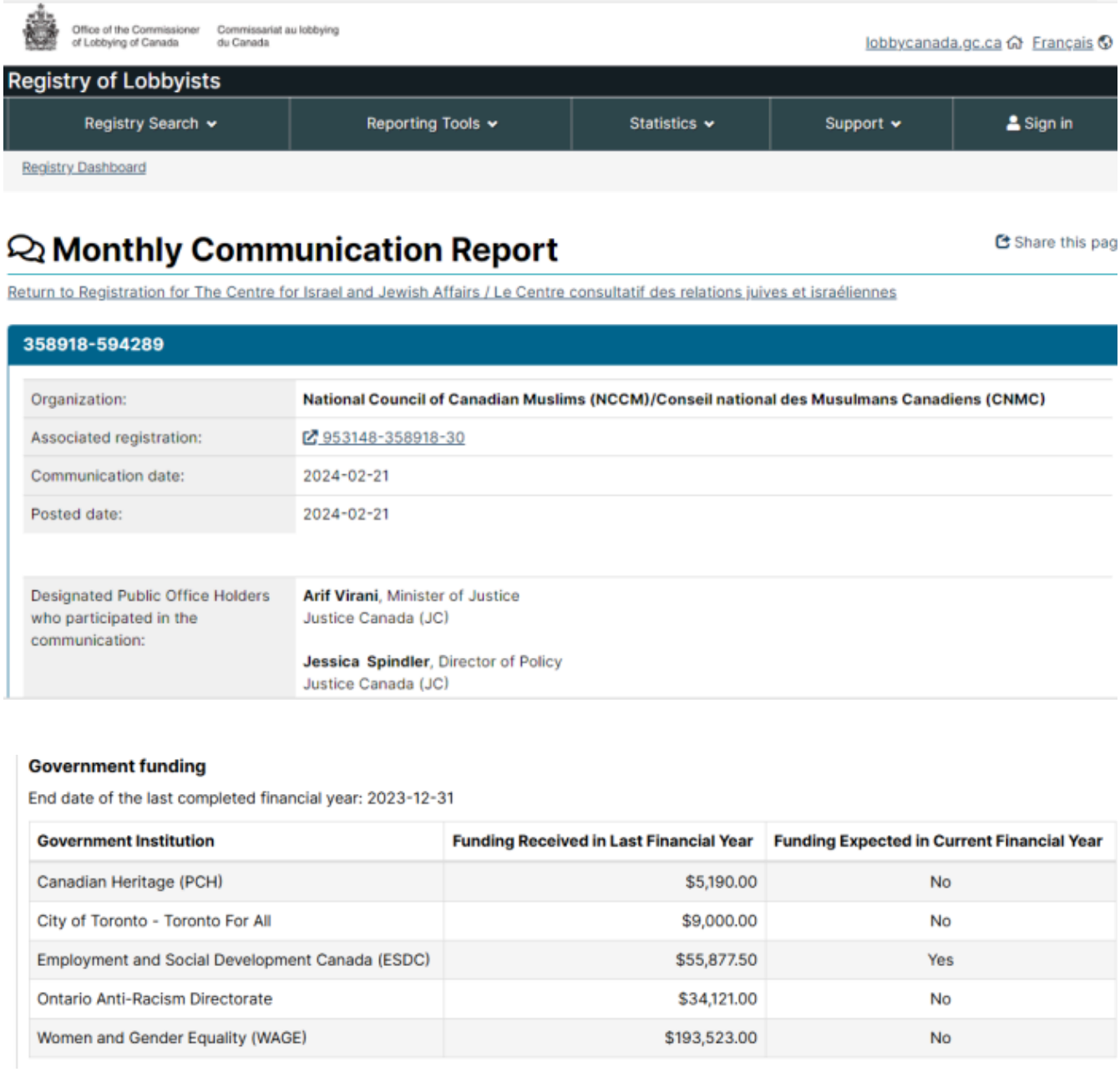
Government funding

End date of the last completed financial year: 2024-12-31

Government Institution	Funding Received in Last Financial Year	Funding Expected in Current Financial Year
Canadian Heritage (PCH)	$7,063.00	No
Employment and Social Development Canada (ESDC)	$74,610.00	No
Government of Ontario	$40,000.00	No

B’nai Brith describes its activities as such: “The Organization’s purpose is to relieve poverty, prevent discrimination and antisemitism, improve the moral and ethical development of the community, provide assistance to victims of human rights abuses, relieve conditions associated with the elderly.” Bill C-63 is specifically listed.

3. National Council Of Canadian Muslims (NCCM)



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Return to Registration for The Centre for Israel and Jewish Affairs / Le Centre consultatif des relations juives et israéliennes

358918-594289

Organization:	**National Council of Canadian Muslims (NCCM)/Conseil national des Musulmans Canadiens (CNMC)**
Associated registration:	953148-358918-30
Communication date:	2024-02-21
Posted date:	2024-02-21
Designated Public Office Holders who participated in the communication:	**Arif Virani**, Minister of Justice Justice Canada (JC) **Jessica Spindler**, Director of Policy Justice Canada (JC)

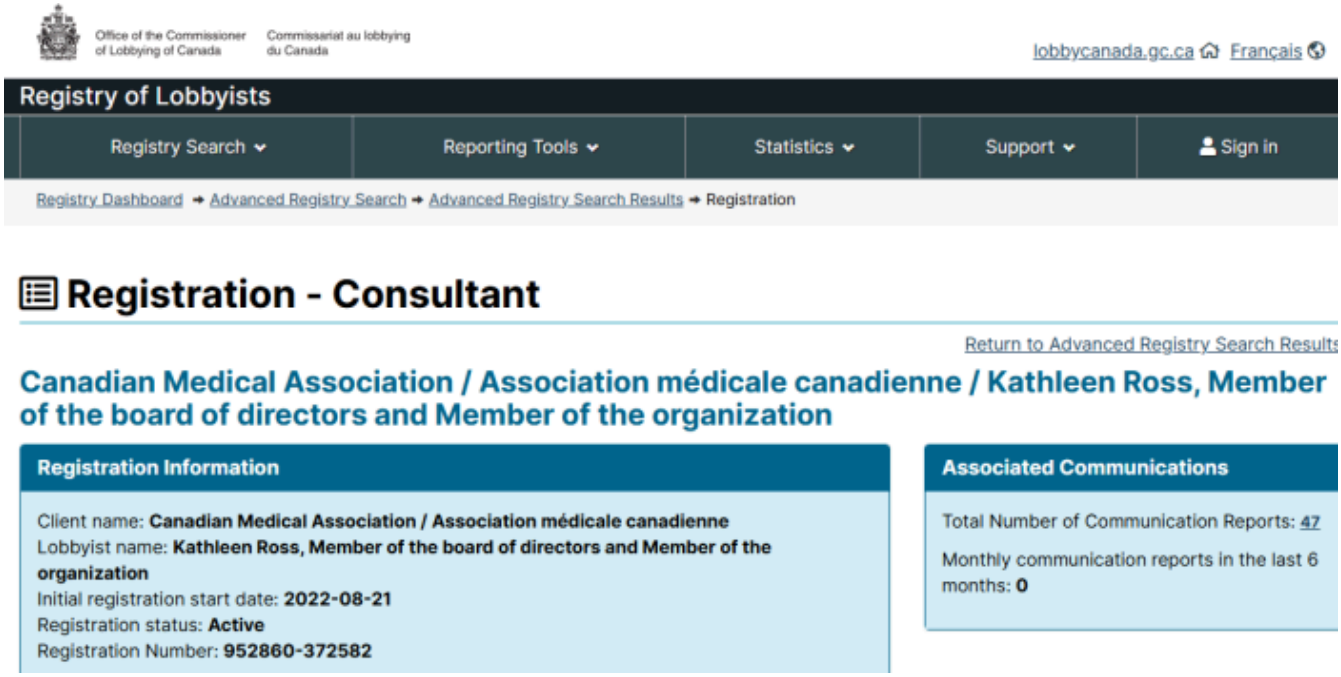
Government funding

End date of the last completed financial year: 2023-12-31

Government Institution	Funding Received in Last Financial Year	Funding Expected in Current Financial Year
Canadian Heritage (PCH)	$5,190.00	No
City of Toronto - Toronto For All	$9,000.00	No
Employment and Social Development Canada (ESDC)	$55,877.50	Yes
Ontario Anti-Racism Directorate	$34,121.00	No
Women and Gender Equality (WAGE)	$193,523.00	No

NCCM, the National Council of Canadian Muslims, has been similarly involved in pushing for censorship and hate speech laws in the name of Islamophobia. This isn't limited to one group or ideology. And like their Jewish counterparts, NCCM also gets large tax subsidies.

4. Canadian Medical Association (CMA)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Canadian Medical Association / Association médicale canadienne / Kathleen Ross, Member of the board of directors and Member of the organization
Registration Information
Client name: Canadian Medical Association / Association médicale canadienne
Lobbyist name: Kathleen Ross, Member of the board of directors and Member of the organization
Initial registration start date: 2022-08-21
Registration status: Active
Registration Number: 952860-372582
Associated Communications
Total Number of Communication Reports: 47
Monthly communication reports in the last 6 months: 0

The Canadian Medical Association takes this view:

> Support the passage of Bill C-63, an Act to enact the Online Harms Act, to ***address the escalation of online harassment, intimidation, and threats of violence targeting physicians, other health workers, and anyone seeking health care treatment***, including measures to strengthen the Criminal Code of Canada and the Canadian Human Rights Act.

Keep in mind, the CMA supported lockdowns and vaccine passports in recent years. It's quite understandable that large segments of society don't trust them.

It's also worth mentioning that a number of non-ideological groups are concerned with Bill C-63. This is likely because it will impact their businesses.

1. American Chamber of Commerce
2. Google (which owns YouTube)
3. Rumble
4. X (formerly Twitter)
5. Facebook
6. Pinterest

7. LinkedIn

To be clear, there is a genuine public interest in removing content that involves abuse of children or animals. No decent person would argue otherwise.

However, the rest of the Bill seems designed to crack down on free speech and certain political views. And it appears to be driven primarily be foreign interest groups. We'll have to see what happens next.

Unfortunately, even legislation that's (reasonably) well written can cause problems. While politicians vote on the bills themselves, the details are typically implemented by regulation. This means that unelected and unaccountable bureaucrats will be making important decisions.

(1) https://www.ourcommons.ca/Committees/en/JUST/StudyActivity?studyActivityId=13035098
(2) https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR13487005/br-external/HumaneCanada-e.pdf
(3) https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR13531934/br-external/InternationalJusticeMission-e.pdf
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